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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,447	12/17/2001	Jussi Kuisma	836-010675-US(PAR)	5685

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EXAMINER
MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 August 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the request for reconsideration filed 09 August 2005.

2.   The examiner acknowledges amendments made to claims 1-3 and 5-10 and the addition of new claims 11-17.

Claim Objections

3.   Claim 9 objected to because of the following informalities: It appears that the applicant has removed the parenthesized text to clarify the claims as required in the previous office action, however, "(MMSC)" on line 3 of claim 9 remains. It is believed by the examiner that the applicant did not remove this text by mistake. Correction is required. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 15-17 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The "computer program product" in these claims is executable in a multimedia messaging center and in a terminal, but is not explicitly embodied in a statutory manner. For the purpose of applying art, these claims have been treated as claiming statutory manner. Correction is required.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1, 3-5, 7-10, 12, and 14-15 rejected under 35 U.S.C. 102(a) as being

anticipated by "3rd Generation Partnership Project; Technical Specification Group

Terminals; Multimedia Messaging Service (MMS); Functional Description; Stage 2, (3G

TS 123.140 version 1.0.0)" hereinafter referred to as 3GPP in view of Zahariev (U.S.

6,035,104).

        a.   As per claims 1, 9, 10, 12, and 14-15, 3GPP teaches: transmitting a first

message wirelessly from the terminal to the multimedia messaging centre, the first

message requesting the multimedia messaging centre to transmit a notification

message to the terminal on multimedia messages addressed to the terminal which have

arrived at the multimedia messaging centre and on which the terminal has not received

a notification message yet (section 8.3.3 on page 17, Figure 11 on page 19, and

paragraphs 1-2 on page 20 under Annex A).

        3GPP does not explicitly teach: wherein said first message comprises an option

to define a selection criterion so as to limit information to be sent in response to said

first message. However, Zahariev discloses: "The here-presented system provides an

ability to selectively filter information based on e-mail, and to notify a subscriber of

availability of such selected information, giving the subscriber an option to have the

message forwarded either by e-mail or fax to a specific location," (line 64 of column3

through line 1 of column 4). It would have been obvious to one of ordinary skill in the art

at the time of the applicant's invention to have the first message comprise an option to

define a selection criterion so as to limit information to be sent in response to said first

message. "Once a message is received that matches the criteria, the subscriber will

receive a page that could look like:MsgID=1234, Filter1. The subscriber then can call

the Auto Attendant and identify himself with Customer ID and password, upon which he

will be prompted to enter the message ID. Next he can select means of delivery, like e-

mail or fax, and then enter numbers or addresses, or select one of a limited set of

preprogrammed numbers or addresses," (lines 8-14 of column 4 in Zahariev). It is for

this reason that one of ordinary skill in the art at the time of the applicant's invention

would have been motivated to have the first message comprise an option to define a

selection criterion so as to limit information to be sent in response to said first message

in the system as taught by 3GPP.

b.   As per claim 3, 3GPP teaches: receiving the first message transmitted by

the terminal at the multimedia messaging centre; determining at the multimedia

messaging centre whether there are multimedia messages addressed to the terminal at

the multimedia messaging centre on which the terminal has not received a notification

message yet; transmitting a second message from the multimedia messaging centre to

the terminal in response to the first message, the second message containing the

notification messages on said multimedia messages on which the terminal has not

received a notification message yet (section 8.3.3 on page 17, Figure 11 on page 19,

and paragraphs 1-2 on page 20 under Annex A).

c.   As per claim 4, 3GPP teaches: receiving the second message at the

terminal, which has been transmitted by the multimedia messaging service and contains

said notification messages (Figure 11 on page 19 and paragraph 2 on page 20 under

Annex A); transmitting a third message from the terminal to the multimedia messaging

centre in response to said second message, the third message indicating to the

multimedia messaging centre the terminal's desire to fetch the multimedia message on

which a notification message was transmitted to the terminal in said second message

(Figure 12 on page 20 and paragraph 3 on page 20 under Annex A).

d.   As per claim 5, 3GPP teaches: receiving the third message transmitted by

the terminal at the multimedia messaging centre; transmitting a fourth message from the

multimedia messaging centre to the terminal in response to said third message, the

fourth message containing the multimedia message which the terminal desires to fetch

as indicated in said third message (Figure 12 on page 20 and paragraph 3 on page 20).

e.   As per claim 7, 3GPP teaches: it is determined at the multimedia

messaging centre whether the multimedia messaging centre has multimedia messages

addressed to the terminal for which the terminal has not received a notification message

by investigating whether the multimedia messaging centre has received an

acknowledgement to the notification message from the terminal (Figure 12 on page 20

and paragraph 3 on page 20 under Annex A).

f.   As per claim 8, 3GPP teaches: means for receiving a first message

transmitted by the terminal, the first message requesting the multimedia messaging

centre to transmit a notification message to the terminal for multimedia messages

addressed to the terminal that have arrived at the multimedia messaging centre and for

which the terminal has not received a notification message yet (section 8.3.3 on page

17, Figure 11 on page 19, and paragraphs 1-2 on page 20 under Annex A); and means

for determining whether there are multimedia messages addressed to the terminal at

the multimedia messaging centre for which the terminal has not received a notification

message yet (paragraphs 1-2 on page 23 and Figure 17 on page 23).

8.   Claims 2, 11, 13, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable

over 3GPP and Zahariev as applied to claims 1 and 8 above, in view of Skladman et al.

(U.S. 6,400,810 B1) hereinafter referred to as Skladman.

a.   As per claims 2, 13, and 16, 3GPP does not explicitly teach: the first

message requests the multimedia messaging center to transmit a notification message

to the terminal for multimedia messages, addressed to the terminal, that have arrived at

the multimedia messaging center and for which the terminal has not received a

notification message transmitted from the multimedia messaging center. However,

Skladman discloses: "When used in conjunction with an e-mail service, a notification

service provides a messaging system that quickly and conveniently notifies subscribers

of received e-mail messages without requiring the subscribers to remain at their

computers. Upon receiving notification, subscribers can access the e-mail system at

their discretion to review any new e-mail messages," (lines 42-48 of column 1). It would

have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to have the first message request the multimedia messaging center to transmit

a notification message to the terminal for multimedia messages, addressed to the

terminal, that have arrived at the multimedia messaging center and for which the

terminal has not received a notification message transmitted from the multimedia

messaging center. "To facilitate timely and convenient notification of incoming e-mail

messages, an e-mail system can operate in conjunction with a notification system. A

notification system is a computer-based communication system that can transfer

messages to a subscriber, notifying him/her of particular events, such as the receipt of

new e-mail messages," (lines 27-32 of column 1 in Skladman). It is for this reason that

one of ordinary skill in the art at the time of the applicant's invention would have been

motivated to have the first message request the multimedia messaging center to

transmit a notification message to the terminal for multimedia messages, addressed to

the terminal, that have arrived at the multimedia messaging center and for which the

terminal has not received a notification message transmitted from the multimedia

messaging center in the system as taught by 3GPP and Zahariev.

        b.   As per claim 11, 3GPP does not explicitly teach: wherein the selection

criterion defines that notification messages for only those multimedia messages for

which a notification message has not been successfully transmitted are requested.

        However, Skladman discloses: "When used in conjunction with an e-mail service,

a notification service provides a messaging system that quickly and conveniently

notifies subscribers of received e-mail messages without requiring the subscribers to remain at their computers. Upon receiving notification, subscribers can access the e-mail system at their discretion to review any new e-mail messages," (lines 42-48 of column 1). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the selection criterion define notification messages for only those multimedia messages for which a notification message has not been successfully transmitted are requested. "To facilitate timely and convenient notification of incoming e-mail messages, an e-mail system can operate in conjunction with a notification system. A notification system is a computer-based communication system that can transfer messages to a subscriber, notifying him/her of particular events, such as the receipt of new e-mail messages," (lines 27-32 of column 1 in Skladman). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the selection criterion define notification messages for only those multimedia messages for which a notification message has not been successfully transmitted are requested in the system as taught by 3GPP and Zahariev.

9.   Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP and Zahariev.

        Claim 17 contains similar limitations as those in claims 1 and 2 and is rejected under the same rationale.

10.   Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP and

Zahariev as applied to claim 5 above, in view of Short et al. (U.S. 6,130,892) hereinafter

referred to as Short.

As per claim 6, 3GPP fails to teach: the terminal and the multimedia messaging

centre comprise a protocol stack and a multimedia application on top of it, and said first,

second, third and fourth messages are transmitted at the level of the multimedia

application, the messages then being independent of the implementation of the protocol

stack below the multimedia application. However, Short discloses: "The translation of

the packets is done not just at the physical, link, or network layer of the protocol stack

but at the transport and application layers as well. This allows the network card, protocol

stack, and application running on the host computer to be independent of the network

environment and configuration," (line 64 of column 3 through line 2 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have the terminal and the multimedia messaging centre

comprise a protocol stack and a multimedia application on top of it, and said first,

second, third and fourth message are transmitted at the level of the multimedia

application, the messages then being independent of the implementation of the protocol

stack below the multimedia application. "As an example of the communication device

independence, the translation allows soft handoff, increased throughput, and fault

tolerance by supporting multiple communication substrates. In addition, the nomadic

router translation ability provides a flexible process for deploying enhanced nomadic

and mobile computing software and services such as filtering of packets and

determining which packets should be allowed to be transmitted between the mobile

computer and the nomadic router or local area network (Internal Firewall)," (lines 3-12 in

column 4 of Short). It is for this reason that one of ordinary skill in the art at the time of

the applicant's invention would have been motivated to have the terminal and the

multimedia messaging centre comprise a protocol stack and a multimedia application on

top of it, and said first, second, third and fourth message are transmitted at the level of

the multimedia application, the messages then being independent of the implementation

of the protocol stack below the multimedia application in the system as taught by 3GPP.

Response to Arguments

11.   Applicant's arguments filed 09 August 2005 have been fully considered but they

are not persuasive.

All of applicant's arguments are directed towards newly claimed subject matter.

See rejections above.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

13.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

Henderson et al. (U.S. 6,185,603 B1) discloses delivery of email and alerting
messages.

Parsons et al. (U.S. 6,310,889 B1) discloses email notifications.

Dong et al. (U.S. 6,571,275 B1) discloses email filtering.

14.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can
normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone
number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those

under 35 U.S.C. 132 or which otherwise require a signature, may be used by the

applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file.

PTO employees do not engage in Internet communications where there exists a

possibility that sensitive information could be identified or exchanged unless the record

includes a properly signed express waiver of the confidentiality requirements of 35

U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published

in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG

89.

Information regarding the status of an application may be obtained from the Patent

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Center (EBC) at 866-217-9197 (toll-free).

BEATRIZ PRIETO
PRIMARY EXAMINER